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Letter dated 30 March 1999 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government and with reference to the letter dated 11 December 1998 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General (A/53/741), I wish to draw your attention to the statement made by the spokesman of the Ministry of Foreign Affairs of the Islamic Republic of Iran on 16 December 1998 (see annex).

It would be highly appreciated if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 38.

(Signed) Hadi **Nejad Hosseinian**
Ambassador
Permanent Representative

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Annex

Statement made by the spokesman of the Ministry of Foreign Affairs of the Islamic Republic of Iran on 16 December 1998

The spokesman of the Ministry of Foreign Affairs of the Islamic Republic of Iran referring to the statement made by the Ministry of Foreign Affairs of the Azerbaijan Republic on 10 December 1998, protesting about the conclusion of contracts between the Islamic Republic of Iran and the Shell and Lasmo oil companies on the exploration of the resources of the Caspian Sea (see A/53/741), made the following statement on 16 December 1998:

1. While rejecting the protest made by Azerbaijan, he drew the attention of the Azerbaijan authorities to the provisions of the Treaty of Amity concluded between Iran and Russia on 26 February 1921, and the Iran-USSR Commerce and Navigation Agreement of 25 March 1940 and the letters annexed thereto. These agreements, which are the only valid instruments on the legal status of the Caspian Sea, contain no provision on the division and delimitation of the Caspian Sea.

2. In accordance with the letter annexed to the Iran-USSR Commerce and Navigation Agreement of 1940, the Caspian Sea, except for a 10-mile exclusive fishery zone, has been described as an Iran-Soviet Sea. Therefore, raising the Azerbaijani sector of the Caspian Sea, as contained in the statement of the Ministry of Foreign Affairs of Azerbaijan, is legally unfounded.

3. The newly independent coastal States of the Caspian Sea have undertaken, in accordance with the Alma Ata Declaration of 21 December 1991, to discharge the international obligations deriving from treaties concluded by the former USSR, including the treaties concluded in 1921 and 1940.

4. The legal regime of this body of water should be established by the agreement of all its coastal States, and the economic activities of the Islamic Republic of Iran in that area should not be a matter of concern to the coastal States of the Caspian Sea.

5. The Islamic Republic of Iran believes that the legal regime of the Caspian Sea as contained in the binding agreements of 1921 and 1940, as long as not replaced by a new agreement concluded among the coastal States of the Caspian Sea, continues to be the most suitable basis for cooperation among the coastal States.